IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

WRIT PETITION NO.4175 OF 2007

Nagesh A. Patil ....Petitioner

V/s.

The Sub-Divisional Officer & Anr. ....Respondents

Mr.Umesh Mankapure with Mr.Rupesh Bobade for the Petitioner.

Mr.P.M. Patne, AGP for the Respondents.

WITH

WRIT PETITION NO.4202 OF 2007

Kalyani Y. Patil ....Petitioner

V/s.

The Sub-Divisional Officer & Anr. ....Respondents

Mr.M.R. Deshpande for the Petitioner.

Mr.P.M. Patne, AGP for the Respondents.

CORAM : F.I. REBELLO &
R.M. SAVANT, JJ.
DATED : 25TH JUNE, 2007.

P.C. :

1. Rule in both the Petitions.

2. The Petitioners in both the Petitions are challenging the recruitment to the post of Police

Patils. It is the case of the Petitioners that there are 113 vacant posts in the sub-division and as per the G.R., 44 posts can be filled in. However, only 5 posts are kept for open category candidates. The case of the Respondent - State has been that there is a backlog and that is how more posts were reserved for the backward classes.

3. By the G.R. dated 2.8.1969, filling in of the post and reservation is on the basis of the vacancies in each sub-division. Further more, there is further G.R. of 29.8.1986 whereby only 50% of the posts can be filled in from amongst reserved candidates.

4. Considering the above, the impugned circular dated 14.5.2007 in so far as Writ Petition No.4175 of 2007, and a circular dated 14.5.2007 in so far as Writ Petition No.4202 of 2007 are quashed and set-aside. The State Government is directed to fill in the post in terms of the G.R. dated 29.8.1986 and according to law. The Government to specify the posts to be reserved and as far as possible on the basis of rotation. The Committee constituted for the said purpose to decide the method for the reservation of seats reserved for the backward classes, being what is

set out in this judgment.

5. With the above observations, both the Writ Petitions are accordingly disposed of.

(R.M. SAVANT, J.) (F.I. REBELLO, J.)